

# WHITLEY COUNCILS IN THE BRITISH CIVIL SERVICE

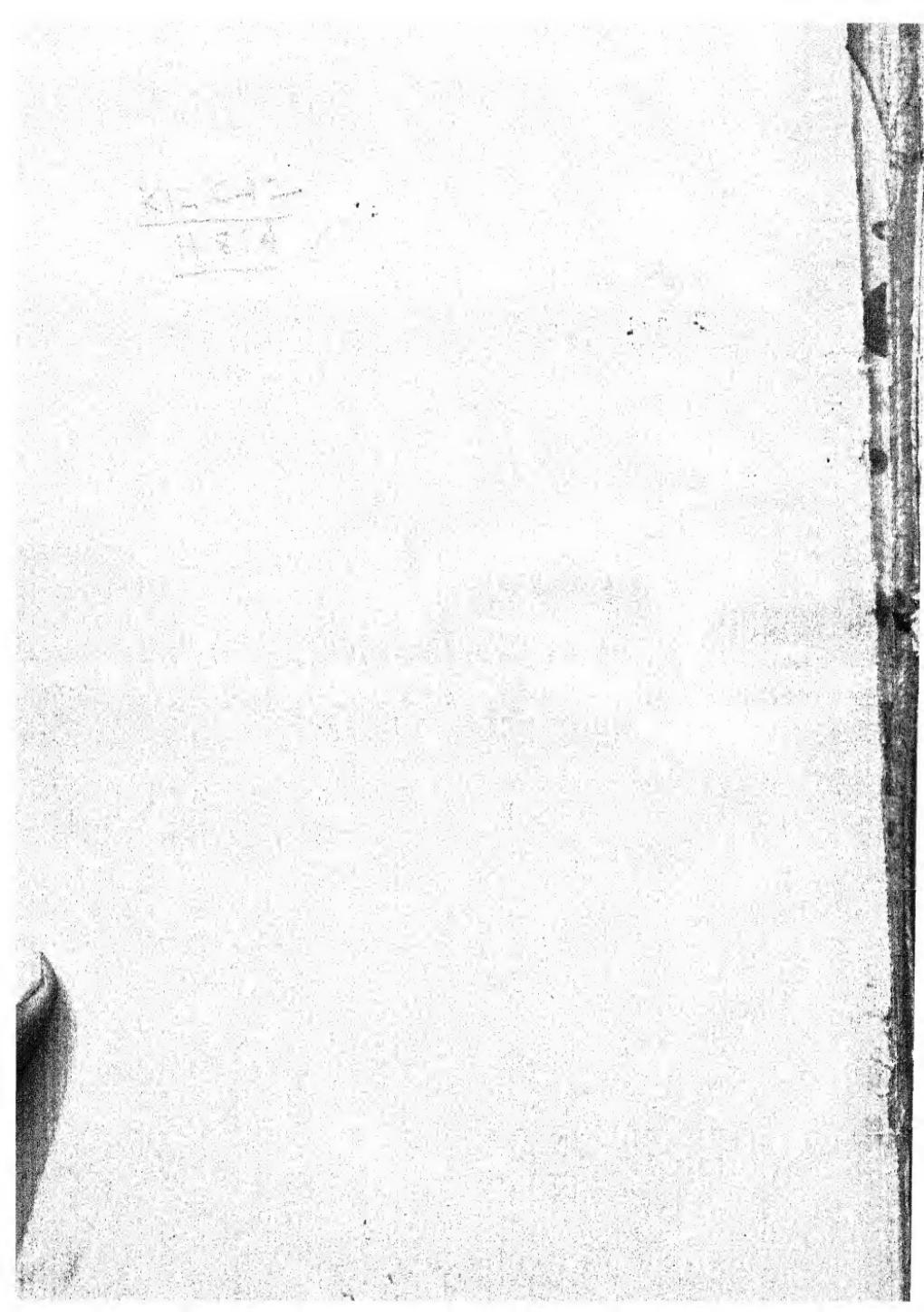


Lecture delivered at the Indian Institute of  
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by

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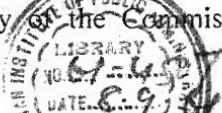
## WHITLEY COUNCIL IN THE BRITISH CIVIL SERVICE

(Text of a lecture delivered by Mr. Douglas Houghton, M.P., Chairman, Staff Side, Civil Service National Whitley Council, Great Britain, on Tuesday, the 10th December, 1957.)

Prof. V.K.N. Menon (Director) : Due to the unavoidable absence of Shri M.K. Vellodi, I request Shri B. Shiva Rao, one of our elder statesmen, to preside over the meeting.

Shri B. Shiva Rao (Chairman) :

Friends, I think Shri M.K. Vellodi was the right choice for this function because of his position as Secretary to the Planning Commission and the Cabinet and also because of the variety of experience he has as a senior civil servant. Unfortunately, he is not the master of his own time and, therefore, this duty has devolved on me to introduce Mr. Houghton. I do not think I need say much. Most of you are doubtless familiar with his work. To read a book or a piece of literature on any subject is one thing and to listen to the man who has had 35 years' direct experience of a selected field of social organisation is quite another matter. Mr. Houghton has dealt with service problems of every rung of the ladder and is today the Chairman of the Staff Side of the National Whitley Council in Great Britain. I may say more for his benefit than for ours that this is not the first time that the possibility of starting some machinery akin to the Whitley Council system is being considered in this country. About 10 or 12 years ago, when the first Central Pay Commission was set up, which was presided over by a Federal Court Judge, Justice Srinivasa Varadachariar, this question was seriously considered; and I believe the Secretary of the Commission even went to



London to study the working of the Whitley Councils and produced a memorandum. I tried as an experienced journalist, and journalists are very resourceful, to get a copy of the memorandum but I was told that it was not available. I do not know what finally happened to the suggestion made 10 years ago that we should have Whitley Councils in this country but I would like to recall certain very significant observations made in the report of the First Central Pay Commission. The Commission said that it had found among civil servants, especially of the lower ranks, widespread discontent and a lack of confidence in the Government's capacity to mete out justice to them, a lack of confidence which almost verged on despair; and I am afraid, if one went round the country today, that remark would be considered substantially correct even now. I hope Mr. Houghton's speech to us tonight will evoke a more positive response than the memorandum of the Secretary of the last Pay Commission.

*Mr. Douglas Houghton :*

I am going to assume, Mr. Chairman, that everyone here knows the basic principles and shape of Whitley Councils. Many people are aware that the name is derived from that of the Chairman of a Committee set up in the first World War by Mr. Lloyd George, the then Prime Minister, to consider the state of unrest in industry which had manifested itself during the war and see whether the setting up of machinery for joint consultation or negotiation would bring about better relations. The Chairman of the Committee was The Rt. Hon. J.H. Whitley, M.P. He was Liberal Member of Parliament for Halifax, a neighbouring constituency of mine in Yorkshire. He later became the Speaker of the House of Commons.

There is no magic about Whitley Councils. They were really never intended for the Civil Service; the war-time industrial unrest had been in industry, not in the Civil Service, yet the Whitley Councils set up in the Civil Service proved more successful than elsewhere. I think the

explanation is that in private industry, where trade unions have never renounced the strike weapon, there is a tendency sometimes to cut negotiations short and deliver the ultimatum rather early in the proceedings, or at least to get impatient if a settlement is too long delayed. In the Civil Service, on the other hand, although there are no legal disabilities against the strike, no one seriously thinks of strike action. Civil Servants are inhibited by fear of the consequences (such as loss of a safe job and of accrued pension rights), also by a sense of public duty and probably, the absence of a spirit of self-sacrifice in a common cause. Civil Servants had never chosen the path of martyrdom. They had never tightened their belts and endured privation in the name of freedom or a fight for a living wage. Their main battles had been fought by other trade unions whose members were generally less well paid than the Civil Service. Civil Servants liked to get results by peaceful means. When the Whitley Council report came out in 1918 and presented both sides of industry with a new recipe for joint consultation and peaceful settlement of difficulties and disputes, Civil Servants thought that this would well suit conditions in the public service. When they first approached the Government about it they met with the reply that it was really not envisaged that this type of negotiation machinery would be suitable in Government service because of the entirely different relationship between Government as employer and Civil Servants. Whenever Civil Servants ask for the same sort of machinery for negotiations and discussion which the Governments urge upon private employers and their employees, they are told that "conditions are different"; but conditions are really only different because Governments fail to accept in full the responsibilities of enlightened employers. Conditions in the Services are very largely comparable with those outside. Civil Servants are as much workers, though employed by the State, as those in private industry.

The essential requirement for a successful Whitley Council system is the willingness of the Government to adopt the same code of behaviour as other good employers. This

they can do by separating their responsibilities as employers from the prerogatives of Government, and allowing fruitful discussion with staff representatives on conditions of work and pay. Unless there is a yielding of the central authority to meet the views and wishes of the staff in a spirit of co-operation and compromise, the Whitley Councils cannot succeed. But sometimes when the Government decided to do the yielding up, the higher permanent Civil Servants failed to convey that spirit to the staff. During the last 35 years, from the very beginning of the Whitley Councils in Britain, my experience has been that in the early stages of development it was not the Government that was at fault so much as the Administrative Class of Civil Servants. It was they who would not give up their traditional power and authority; not the Government. The higher Civil Servants, who comprise the Official Side of a Whitley Council, must be willing to respond to staff desires. There must be more and more sharing of responsibility for making people happy in their work.

I think as we develop our intellect and personalities, one of the things we all seek in life is recognition. We have a craving for esteem, a desire for participation and a feeling of responsibility. These human desires must be accepted by the Official Side if we are to have successful Whitley Councils. The original constitution of the Whitley Councils in Britain has never been altered in these 35 years, yet I have seen remarkable developments in the scope and practical achievements of Whitley Councils not only at the centre but in departments, in branches of departments and even in local offices. This welcome progress comes not from constitutional change but simply from the desire of those who comprise the two sides of the Councils to get more and more out of them. I think that spirit develops as the Official Side find that their response to the Staff Side is met in a constructive and co-operative spirit, and that a more efficient and contented Civil Service results and the Staff Side is willing to moderate some of its demands and go out to meet the Official Side. It is really a study in human relations in which each side has something to give, each side

something to gain. The Official Side wants greater efficiency, economy in administration, co-operation of the staff in all administrative measures, a better, more enthusiastic and a more contented public service. If the Official Side can gain the confidence and goodwill of the representatives of the staff, this will be carried back to rank and file members thus creating a better spirit all round. This is the foundation for an ever-widening field of consultation and co-operation. Once firmly established there is no limit to what Whitley Councils may do. Take, for example, matters concerning discipline, promotion and removal. The constitution of our Whitley Councils stipulates that where matters of policy or principle arise these may be discussed on the Councils, but that is usually held to exclude discussion of the merits of particular cases. In practice, however, the Official Side of many Departmental Whitley Councils are prepared to go into the merits of individual cases, even where no questions of principle arise, solely out of a desire to satisfy staff representatives of the fair-mindedness of the decisions taken. They are anxious to prove to the satisfaction of the staff that justice and even mercy has been done. This is not within the written constitution of the Whitley Councils but it is a sort of development brought about by mutual trust.

Similarly, as regards promotion, the Whitley Council agreement on promotion in the Civil Service provides for discussion on principles and procedures; on annual report forms, notification of adverse reports, affording opportunity to an officer to know what is alleged against him and to give reasonable time or opportunity to reply, and the right to be accompanied by a friend when he is appearing before an appeal board. Those are all matters of procedure and are within the formal constitution. In practice we go very much further than that in some departments. In some cases, the Staff Side puts forward lists of the people whom they think the Official Side should consider for promotion. That is not a general practice, but what is generally done is to discuss jointly what field should be reviewed for promotion, what blocks of seniority should be considered and also

general discussion on the qualifications necessary for promotion to particular posts, so that the Staff Side may know what standards are being used. There is also discussion on many aspects of training, and on the introduction of departmental specialist examinations. In fact, the only thing we do not discuss on the Whitley Council is the weather ! Everything else comes in for discussion—civil rights, political activities—even security measures. If the Government decide they will have Communists in the Services, that of course, is not a matter for negotiation. The Staff Side does not waste time arguing the principles of such measures as banning Fascists or Communists from secret work, because as a rule, not only has the Government already decided, but Parliament has decided too. Nevertheless, it is left to the National Whitley Council, Staff and Official Sides, jointly to discuss the practical application of the Government's directions.

We do discuss on the Whitley Councils the security procedures to be adopted within the framework of the Government directives on policy. We agree, for example, that the Civil Servant shall not be victimised by a lot of malicious gossip. If a Civil Servant on secret work is suspected of associating with Communists, the ground for this suspicion must be examined by an officer of not less rank than Under-Secretary before any charge can be made against him. The Civil Servant is thus protected against irresponsible or inexperienced judgment upon the evidence. The Whitley Council has laid down agreed procedure in the matter.

Similarly with Civil Rights. Whether the Secretary to the Cabinet should be allowed to go on a Socialist platform and denounce the Conservative Government, or an Inspector of Taxes be allowed to denounce the local businessmen as rogues and crooks—these things are clearly not matters for negotiation between Official and Staff Sides of Whitley Councils. They are not negotiable conditions of service. On matters so closely concerning the behaviour of Civil Servants the Government usually ask an independent

committee to advise them. It must be said of the Government in Britain in these days that on practically no aspect of conduct including the civil rights and security measures, do they lay down rules until these delicate questions have been thoroughly gone into by an independent body. Security measures were referred to a committee of Privy Councillors. Civil liberty questions were referred to an independent committee presided over by a Vice-Chancellor of one of our Universities and upon which served also responsible citizens drawn from different walks of life. They made recommendations which the Government in broad outline accepted. It was, however, open to the National Whitley Council to discuss a great deal of detail and to knock the recommendations of the committee into practical shape. Broadly, the principles laid down were that the lower in the Civil Service you are, the more political freedom you may have.

The independent committee recommended that the Civil Service should be divided into three groups; one with the right to full political activities in private time and when not in uniform; the second with severely limited political rights; and the third who had to be absolute models of discretion and political neutrality. We had a lot of argument on the Whitley Council as to which classes and grades of Civil Servants should comprise these three groups. For quite obvious reasons we distinguished between the degree of political activity permitted to a postman on the one hand, and a Permanent Secretary on the other.

Moreover, some Departments come into such close contact with the public that special restrictions are imposed upon their staffs of all ranks. An example of this is the Inland Revenue Department. The Inland Revenue is probably more restricted than any other department because of its very close knowledge of the affairs of local citizens. These are matters of Government policy and offer only a limited scope for discussion on the National Whitley Council.

By contrast, when the Royal Commission on the Civil Service, presided over by Sir Raymond Priestley, reported

to the Government in 1955, and put forward far-reaching recommendations of a comprehensive nature on pay scales and conditions of service—all interlocked and presented as a kind of “package” proposals—the whole Report came to the National Whitley Council. The recommended changes in pay scales, adjustment of hours of work, luncheon intervals, holidays and pay differences between London and elsewhere, and numerous other matters that were all linked up with pay and conditions of service—all of them were negotiated for several months before the two sides of the National Whitley Council reached agreement. In some respects we agreed to go much faster than the Priestley Commission had recommended, notably on the introduction of the 5-day week which they suggested should be cautiously and gradually undertaken, but we completely adopted it in the Civil Service, reserving only Saturday attendances in public offices and essential services of that kind. The reason for this was the desire of both sides to make Civil Service jobs more attractive. The Civil Service is now in a better competitive position by comparison with commercial undertakings where there was already a 5-day week. The hours of work (42 in London : 44 elsewhere) have not been reduced as a result of the 5-day week; the Civil Servant puts in the same hours during five days instead of  $5\frac{1}{2}$ .

These things I mention to illustrate the wide scope of our Whitley Councils, and at the same time to point out their limitations on matters of public policy (such as civil rights and security measures) which are obviously not simple issues of conditions of service.

Now as regards machinery—the way the Whitley Councils work in practice. The formalities of our Whitley Councils have largely been dispensed with. The full National Whitley Council of 26 members of the Official Side and 26 members of the Staff Side rarely meets. The Official Side is composed wholly of Permanent Heads of Departments, presided over by the Head of the Civil Service who is also Secretary of the Cabinet. (If a National Whitley Council was set up in India, Shri Vellodi would be

the Chairman of the Official Side). On the Staff Side are elected representatives of the affiliated bodies, the large majority of whom, like myself, are no longer serving in the Civil Service. With the enlargement of the scope of Whitley Councils, the work of looking after the staff interests is much more than any of the serving Civil Servants can undertake, especially when one has to look after the financial side as well as the organisational aspects. The majority of the members of the Staff Side are, therefore, full-time Officers of Civil Service Staff Associations. Nearly all of them have been Civil Servants, as I was myself; most of us in this position gave up our official appointments solely to become full-time Secretaries of our respective Staff Associations.

The Associations comprising the Staff Side represent none but Civil Servants. They are not just branches of larger unions outside. The Civil Service Clerical Association, the Inland Revenue Staff Federation and Associations representing all ranks from messengers to top-level Civil Servants are on the Staff Side. We do our work mainly through small committees, and a lot of it by day-to-day contact between the Chairman and Secretary-General of the Staff Side and leading members of the Official Side. Never a day passes without some contact, however informal (and probably on the telephone) between the two sides of the Whitley Councils. This applies at the Departmental level as well as between the Treasury and the Staff Side of the National Whitley Council.

You will wish to know whether Civil Service Staff Associations in Britain are "political". What affiliations and allegiances do they have to the general trade union movement and political parties? Here we have to distinguish between affiliations to outside trade union bodies and political parties : they are two different things.

Any organisation can become part of the wider trade union movement by whatever means its rules prescribe. Most unions do it by resolution of their Annual Meeting. Others take a ballot of members. Between 1927 and 1946,

however, the Trade Disputes Act (which was a sequel to the General Strike of 1926) forbade a permanent Civil Servant to belong to a union which had any affiliation to an outside trade union of congress of unions, or any political party. This Act really brought about the complete withdrawal of Civil Service Staff Associations from outside connections of this kind for twenty years.

The Labour Government of 1945 repealed the 1927 Act. This was followed by the re-affiliation of some Civil Service unions to the Trade Union Congress. These included the larger Associations representing Postal workers, clerical and similar workers; but bodies representing professional, administrative and executive Civil Servants remain aloof. It may be said that the lower grades in the Civil Service feel themselves to have stronger links with outside unions than do the middle and higher grades.

Links with political parties are quite different. Only one—the Union of Post Office Workers—is affiliated to the Labour Party. None is affiliated to any other political Party. There are very specific rules and conditions laid down by law (Trade Union Act 1913) relating to the use of trade union funds for political objects.

The procedural conditions of affiliation to a political party are three: first, the delegates at a conference of the organisation must pass a resolution in favour of embodying political objects among the objects of the Union; secondly, this affirmative resolution of the delegate conference must be endorsed by a ballot of all members; and thirdly, if the ballot approves political objects as part of the objects of the union, any political levy which is imposed must be optional, and any members by signing a simple form can contract out of paying it. Unions are forbidden to use any general funds for political purposes. Civil Service Associations, like all others, must go through this procedure before being able to affiliate to a political party. I ought to explain that “political objects” go far beyond a direct link with a political Party; they include any support, direct or indirect, to a Parliamentary candidate. A union is forbidden to

issue a circular in support of any political candidature of any person for Parliament or for any local authority unless the union has political objects in the rules and the cost is met out of the political fund.

As I have already said, only one Civil Service Union—the Union of Post Office Workers—has a political fund and is affiliated to the Labour Party. Whether Civil Service Associations should have political affiliations is an arguable point. We say that unions should be free to decide for themselves on this. If they do affiliate to a political party, they must have regard to the fact that they are a trade union of public servants who might find some forms of political activity embarrassing, or even contrary to the public interest. I think most of the Civil Service Unions feel that it would be an embarrassment to belong to a political party; and therefore they do not. Moreover, Civil Servants want justice from all Governments they serve. Many of them feel that it will prejudice their claim to the fair judgment of a Government of one political complexion if they are affiliated to an opposing political party. But whatever the reasons which motivate unions to join or refrain from joining political parties, they should have a perfect right to decide for themselves. This is what we regard as civil liberty. It is one of the perversities of all human beings that they demand the right to do a thing, even if they do not want to do it. That is how it is in the Civil Service.

To return to the day-to-day working of the Whitley Council, as I have said, most of the formalities have largely been dispensed with. There is a good deal of informal discussion and a good deal of putting cards on the table behind the scenes. The Chairman of the Official Side would never be in difficulties these days in sending for me, or for the Secretary-General of the Staff Side, to say to us privately how matters stood on a particular claim. He might say—"I am just explaining to you beforehand the decision which has been reached so that you may think it over and come to our formal meeting prepared for the news I am giving you now". Sometimes we go to the Official Side

equally informally and "off the record" to prepare their minds or to give them information which is best given privately.

During the negotiations on the Priestley Commission's Report, we had a great many informal consultations. In fact, we met every alternate day to get the job done. The Official Side had their own meetings; and we too, on our side, had our own conferences. Then we had informal meetings together in the afternoon, or in the morning, so that at the formal meetings, which would be held the next day, we pretty well knew how each side stood; we did not have to waste a lot of time on "shadow boxing". When the Official Side made their statement we had an idea what lay behind it and what room for manoeuvre there might be. The Official Side may say—"We cannot accept your proposals as they stand. It is not for us to suggest a compromise. If you press the matter and are able to modify your claim, then we might be able to do business". The words "to do business" are used very frequently in our informal contacts, because we all want to do business and we are trying to get the basis on which business can be done. We get no satisfaction out of discussion for discussion's sake. Sometimes things have to be put on the record because members want to know what has been said on their behalf, but the informal talk which goes on is strictly confidential and is a means of getting agreement. The record may merely recall the more formal side of the negotiations. There is nothing strange about that. Outside trade unions and the employers adopt these "off the record" methods too.

I must mention here one matter which probably gives the clue to the Civil Service contentment with the Whitley Council system, and that is the existence of the Civil Service Arbitration Tribunal. The Civil Service Arbitration Tribunal is for the Civil Service alone. The Chairman is an agreed person, a distinguished lawyer, and the other two members are drawn from two panels—one nominated by the Staff Side and the other by the Official Side of the National

Whitley Council. The Minister of Labour is the appointing Minister, and he accepts responsibility for the standing of the persons on the Tribunal. If we were to nominate a well known British Communist, I think the Minister of Labour would demur on the ground that he would not inspire public confidence. We do not do such silly things. Our nominations are persons of standing, and I do not remember any case where the Minister has hesitated to accept one of our nominees.

At a hearing the Tribunal consists of the Chairman and one member drawn from each panel, with the right of the Chairman to give an umpire's award in the event of disagreement on the Tribunal. The over-riding power of Parliament to accept or reject any award is clearly established, but the power of veto is not intended to be used except in the rarest cases. It has in fact never happened; and what you might have read about the Health Service Whitley Council award has nothing to do with the Civil Service. I am in any case now talking of awards of the Civil Service Arbitration Tribunal, and am saying that although Parliament can refuse to accept an award of the Tribunal it has never done so. In the Health Service dispute, the Government vetoed an agreement reached on their Whitley Council and not an arbitration award.

The essential difference between the Health Service and Civil Service Whitley Councils is that the Official (or employers') Side of the Whitley Council is mainly composed of members of Hospital Boards and others responsible for administration, but not responsible for the overall finances of the Health Service as a whole. Hence there is a proviso in the constitution of the Health Service Whitley Council that its decisions shall be subject to approval by the Minister of Health.

There is no such proviso in the constitution of the Civil Service Whitley Council, for the reason that it is quite unnecessary. The Official Side are all permanent Civil Servants directly in touch with Ministers, and taking instructions from them. Thus, any agreement reached on our

Whitley Council has the approval of Ministers before it can be reached. No question of subsequent approval therefore arises. Our constitution provides that agreements reached shall be reported to the Cabinet and shall thereupon become operative.

Finally, I ought to mention the most significant outcome of the Priestley Commission report in regard to the principles of fixing the pay, etc. because here again, the Whitley Council has come in the matter in a big way. The Priestley Commission made a fresh attempt to find a workable and fair basis for fixing the pay of Civil Servants. We had made several before which had been tried and were never found completely satisfactory. Years before the war a Royal Commission said that Civil Servants' remuneration should reflect "the long-term trend of remuneration outside." But in an inflationary situation nothing that reflects the "long-term" trend is any good. It is the short-term trend that matters in a period of rapid change. The Priestley Commission, in a search for the right answer, said that the pay of the Civil Servants should be based on "fair comparisons with rates of pay and conditions of service in comparable work outside the Civil Service". They made the proviso that where economic conditions were changing rapidly and exceptionally, then "fair comparisons" would require an all-Service pay adjustment as there would be no stable basis upon which to review each class separately. We negotiated the Priestley Commission's report, accompanied by an all-service increase in pay, because the general wage level was rising; and this year we have had another all-service increase in pay because the wage level has been rising again. The Civil Service in Britain no longer lags behind. It comes about mid-way in any noticeable change in the general wage level. On the whole, we have got what the rest of the wage and salary earners have got. But the more detailed application of the principles of fair comparisons involves seeking out facts, not only about rates of pay, but what work is done for those rates of pay in outside industry; and we have set up a Civil Service Pay Research Unit to get the facts. The Director of this Unit, a

high-ranking Civil Servant appointed by the Prime Minister, was agreed upon by the two sides of the National Whitley Council. The first name put up by the Official Side was rejected by us. We thought of a name and they thought of a name; and eventually we agreed on a third name, and he is now the Director. The staff of the Unit have been selected by a Selection Committee comprising an equal number of members of the Staff and Official Sides of the National Whitley Council. The reason for this joint operation is that the Pay Research Unit must enjoy the full confidence of both the Sides. That is why it has been jointly appointed and is managed by a joint committee of the Whitley Council. We jointly decide programme, we jointly decide its methods and we jointly decide priorities. The Pay Research Unit provides the facts upon which negotiations can take place. It does not make recommendations; the body of evidence which the fact-finding Unit produces will provide a much better basis for negotiations than anything we have had before.

I am not suggesting this principle or this method for fixing Civil Service pay in India. The principle of "fair comparisons" is a practical one in Britain because the private field of employment is larger than the Civil Service, Local Government and the nationalised industries put together. We have an enormous background in private industry and commerce which India has not got. But even so, the balance does have to be struck between the Civil Service rates and the rates of pay outside, no matter how large or small the Civil Service is. If we are going to get a fair and unprejudiced relationship between Civil Servants and the rest of the community (and that, I think, is one of the most important aims in fixing the pay and conditions of service of Civil Servants) one has to visualise the place of the Civil Servant in the community. He must enjoy confidence. He must be respected. He must be able to do his job fairly and intelligently and must not be easily tempted. Whatever the basis of comparison one takes, whether there is a lot of information about rates of pay outside or whether there is not, it is the responsibility of the Government, advised as

it may be by a Pay Commission, to fix the right place for the Civil Servant. This will take into account pay, holidays, pension rights and other amenities; and these must be balanced with comparable positions of responsibility outside. But in Britain in future we shall have from the Pay Research Unit much more information upon which to make comparisons than ever before, and I should imagine that the Arbitration Tribunal will be used much less.

That, Mr. Chairman, is a rough sketch of some of the practical aspects of our Whitley Councils. I have skipped a good deal of theory because although the Whitley Council constitution is the framework of our activities which does tell in a way where our functions begin and end, it would nevertheless be difficult in practical experience to define any rigid boundaries to our work. For instance, when the Chancellor is getting on his feet on budget day, the Chairman of the Board of Inland Revenue will feel it appropriate to call representatives of the staff into his room and say that the Chancellor is about to announce certain substantial changes in taxation and this is going to mean overtime or big changes in procedures and we must now get together and see how the job is to be done. We would then discuss all the practical details of the new load of work, including overtime methods and procedure. These things are fully within the scope of the Whitley Council system departmentally. I need scarcely remind you that we have Whitley Councils at every level. One National Whitley Council to deal with matters common to the Civil Service as a whole, such as hours of work, holidays, travelling and removal expenses, general pay questions, superannuation and so on.

Then we have a Departmental Whitley Council in each of the 80 different Government Departments. These Councils deal with a host of purely Departmental matters, including promotion and training of staff.

Within each Department there are Branch Whitley Committees, and within each Branch may be office or district Whitley Committees. In the Inland Revenue Department, for example, we have a Departmental Whitley Council,

one Branch Whitley Committee for each Branch of the Department (the Chief Inspector of Taxes Branch, the Chief Valuer's Branch, the Estate Duty Branch, the Revenue Stamps Branch, and so on) and an Office Whitley Committee in about a thousand local offices of Inspectors and Collectors of Taxes and District Valuers, scattered all over the country.

We attach great importance to these Office Whitley Committees because they can do so much to smooth out local difficulties and deal with the minor grievances of the staff on the job.

The aim of Office Whitley Committees is to get a basis for good teamwork. Things like the morning tea-break, the incidence of overtime, even the daily hours of work, can make for trouble if grievances are not attended to. The scores of things which upset people when working together in close contact are the job of Office Whitley Committees.

We do not listen to local grievances when no attempt has been made to settle them through the Office Whitley Committee.

I may conclude by saying that the two essential conditions of successful Whitley Councils are :—(1) willingness of the Official Side to yield to reasonable approaches from the Staff Side, and (2) responsiveness from the Staff Side. If there is not any such responsiveness, clearly the Official Side will not yield; they won't yield to rivalry, disunity and squabbling on the Staff Side. Nor can they yield to irresponsible claims. There must be commonsense. There must also be discipline. Staff Side representatives must have a loyal membership behind them. No Whitley Council can work properly if the rank and file of staff associations frequently repudiate the agreements reached in their name. On the Staff Side there must be unity and cohesive effort when once policy has been debated and decided. Inter-union disputes must be settled and a stable basis of co-operation found. There must be an absence of political bias in deciding trade union matters on the Staff Side and in-

dealings with the Official Side. Nowhere is it more essential for the Whitley Council to confine itself to what are the questions at issue and not have the whole thing loaded by political ambitions or political motives than in the Civil Service. It takes time to achieve all these things. We have had rivalries; we have had squabbles. We have had periods when the Official Side thought it was no use trying to get satisfactory results when it was known that the Staff Side was hopelessly split. But it was only temporary. These and other problems have to be overcome to get the full fruits out of the Whitley Council system.

Although there is no law against Civil Servants going on strike, they do not in practice go on strike or threaten to strike. We have chosen a more civilised way of communication of desires and demands and responses to them. We have if nothing else a will to compromise. To any who would tread this path I say none of the difficulties, which are admittedly many and may appear insuperable at the start, should deter people of goodwill, on both sides, from attempting this great experiment. It looked absolutely impossible when we first started. But when everybody realised that this was the only way of getting the basis for exchange of ideas and negotiations on conditions of service, that it was the only way of maintaining peace and contentment in the Public Service, we never looked back. It is only when there is nothing to lose that irresponsibility triumphs; but where the goodwill and co-operation of the Official Side can be lost and the chance of doing useful business is at stake, then if responsible elements are brushed aside, especially when rank and file members can see visible results. That is why, I think, it is most important that when a Whitley Council is set up for the first time it should have immediate fruitful business to do. A Whitley Council is not a debating society. If a Whitley Council could come into being in India at a time when a Pay Commission is about to make its report, then you have favourable possibilities of good results. That is what happened when our Whitley Council was first set up 35 years ago. We had a Royal Commission's Report to tackle and there was a lot to do.

Well, Mr. Chairman, I hope this has thrown more light on Whitley Councils in the British Civil Service than you have had before. This system of discussion, negotiation and agreement, and of doing things by consent is the great quality of our public administration. Whitley Councils in the Civil Service are better, stronger and more fruitful today than ever. The basis of co-operation is amazingly good; and so it ought to be when you bear in mind that in the Civil Service there can be no feelings on the part of the staff that they are being exploited for private gain. Both Official and Staff Sides are in the service of the State, occupying only different positions with different responsibilities. Would it not be tragic if the most intelligent body of workers in the country failed to make sense of joint co-operation?

### QUESTIONS

**Q.** *On a point of information regarding the Arbitration Tribunal, is there provision, I mean statutory provision, for a compulsory reference to it ?*

**Ans.** Yes, I am glad of that question. It is compulsory arbitration. That is to say, if the Staff Side fails to reach agreement, or if any union within the framework of the Whitley Council has a dispute over pay and conditions of service in respect of which it is the recognised representative body, it can take the claim to the Arbitration Tribunal. The Official Side must submit to the reference to Arbitration. It is a compulsory arbitration on both sides. If the Official Side put forward a proposal to reduce pay or worsen conditions of service, and if the Staff Side, as might be natural, decline to agree, then the Official Side have a right to take the Staff Side to arbitration. Disputed claims by either side may be submitted to Arbitration.

**Q.** *Is the Administrative Class on the Staff Side, and if so, how does it fit in ?*

The Administrative Class is on the Staff Side. They go under the old name of the First Division Association. Most

members of the Official Side are members (though for obvious reasons inactive) of this Association. The First Division Association has quite an important staff interest to represent. They look after the interests of Principals and Assistant Principals, and the pay of the higher Civil Service. They are, of course, interested in holidays, hours of work, pensions and travelling and subsistence allowances, like all other Civil Servants. They have interests in all general Civil Service conditions. They do not usually adopt the most aggressive attitude towards the Official Side, but that perhaps is to be understood. They can be quite outspoken at times.

*Q. If I have understood you correctly, I thought that even outsiders who are not directly in government employment are also on the Staff Side. How can you rule out the possibility of external interests in the staff council?*

*Ans.* As I said, most of the members of the Staff Side are full-time Officers of the Civil Service trade unions, and as such are not subject to official discipline or restraint of any kind. That is to the good. No full-time Officer is inhibited in his dealings with the Official Side by any possible consequences to his own career. I am not saying that Civil Servants have any real fear that what they say to the Official Side might prejudice their official progress. Our chief problem about the Civil Service members of the Staff Side is not that they get passed over for promotion but they get promotion rather freely, because they have opportunities of demonstrating their qualities to Heads of Departments which they would not otherwise have had ! We never hear any suggestion that serving Civil Servants are at a disadvantage in their dealings with the Official Side. Yet full-time officers are freer than serving Civil Servants to make public statements and public criticisms of the Department if they wish to do so. Serving Civil Servants are not allowed to make public statements on the work of their own Departments without official permission. A full-time Staff Union Secretary is not similarly restricted in comment. At the same time, a full-time official of the Staff Association

must not lose sight of the fact that his members *are* Civil Servants. Irresponsible behaviour would not pass unnoticed, especially if it endangered good relations between the two sides of the Whitley Council. The Staff Side has its remedy in such circumstances. In practice full-time Secretaries do behave themselves !

**Q.** *How far has the rule of unanimity contributed to the success or failure of the Whitley Councils ? Does not it impede quick and substantive progress ? Cannot it be replaced by a majority vote ?*

**Ans.** No. The Official Side is indivisible. After all, when the Chancellor of the Exchequer has said what he is prepared to agree to and what he is not, his 26 Heads of Departments cannot tell him that they are not going to do what he says. The Official Side represents the Government; the Permanent Heads are merely the agency for announcing of Government policy and discussing it with the Staff Side. The Official Side may well convey the Chancellor's direction to the Staff Side and hear so much in protest or a counter-proposal, and may then go back to the Chancellor and say—"We have done what you said. We have had a most unpleasant time and this is what they say about it". After discussion he might be prepared to modify his instructions. But the Official Side is indivisible, so that there can never be any vote on the Council. The Staff Side is indivisible too, because it must accept or reject proposals as a body. Our voting is done at Staff Side meetings. I think that is the answer to the question. You can never have voting at a Joint Whitley Council where one side represents the employers as a block and the other the employees as a block. Whether individual members of the Official Side have a vote at their own meetings, I do not know !

**Q.** *To what extent do the Civil Servants in Great Britain enjoy the right to bargain collectively ? If the collective bargaining negotiations are conducted by Civil Service organisations, what then is the role, whether direct or indirect, of Whitley Councils in the matter ?*

**Ans.** Nothing in the Whitley Council system precludes a Civil Service association having direct negotiations with the Department or the Treasury on a matter which is exclusively its own interest. That narrows the scope for separate action for no one Civil Service association could go to the Treasury with a claim (for example) for better pension, or higher allowances for car journeys on official business. The Post Office Unions might go to the Postmaster General for shorter hours of work because they are working longer hours than others in the Civil Service, but no single union could claim that hours of work generally should be reduced. We have associations like H.M. Inspectors of Taxes and the Inland Revenue Staff Federation representing departmental classes of largely specialist character. It is open to them to claim more money—e.g., for Inspectors of Taxes, without going through the Whitley Councils. But it would be difficult for an organisation like the Civil Service Clerical Association to claim more pay for its members without bringing into the picture the repercussions of the proposal on the wages of others. Civil Service pay is so much a matter of pattern, with closely related differentials, that scope for successful separate action is very limited. Nevertheless, there is quite a lot of separate bargaining between the Treasury and Departments, and associations representing an exclusive interest, like the pay of Factory Inspectors, for example. But matters which are common to two associations or more, or which cover the whole service, or the whole of a Department, can only be dealt with through the Whitley Council. For instance, if one association desires Civil Servants to celebrate the Queen's birthday on the actual day, and another thinks it better to add an extra day's holiday to another public holiday, that is a matter which has to be discussed through the Whitley Council. It all depends on whether you have the exclusive right of representation or whether it is a matter of interest to others too.

**Q.** *Are all Service Associations in fact represented on the National Whitley Council ? If not, are there any important service Associations which are still outside it ?*

**Ans.** No. There are certain Associations not represented on the Staff Side. We have refused them admission and the Official Side have not demurred from that refusal. We refused admission to an Association of ex-Service Civil Servants because we thought an Association of ex-Service Civil Servants was not a genuine trade union. It is like having an association of Civil Servants with red hair. We also barred associations exclusively composed of women Civil Servants because we believe in full trade union rights for women in a mixed organisation. We do not recognise association of women as women, especially when that body represents women shorthand typists as well as women assistant secretaries. Its representative character is just nil—it is too widely spread. It cannot speak for any particular grade or group of grades. The overwhelming majority of women are in mixed associations. No other important association is excluded. Certain associations did withdraw at one time, following the troubles of the General Strike, and that did impair the representative nature of the Whitley Councils for some time. That has all been repaired long since. There are certain breakaway unions in the Post Office which are not admitted to the Whitley Council. If necessary, a test has to be applied and there are no rigid rules about that. The Official Side do not usually have anything to say about the composition of the Staff Side. They are concerned with getting a representative and responsible body, and they do not make too much fuss about the exclusion of marginal factions.

**Q.** *Are Civil Servants permitted to become members of political parties ?*

**Ans.** Yes. A Civil Servant can become a member of a political party. He has, of course, the right to vote though he did not always have it. Civil Servants generally may not canvass, except Post Office staffs and other similar grades. They may not knock at the doors and say "Vote for so and so". That is barred for civil servants in the middle and upper ranges, but there is no restriction on membership of a political party and the right to vote. What is restricted

are activities which will publicly associate a Civil Servant with a particular political party, but as long as he keeps his politics to himself, to his friends and to his home, he is all right.

**Q.** *You said about optional political levy by members of associations. What is the proportion of members at different levels who are actually contributing to the political levies of associations of Civil Servants ? What is the proportion of members who actually contract out of these subscriptions to the political funds ?*

**Ans.** The law lays down no minimum proportion of the members of an organisation who must contribute to the levy to provide political funds. In the industrial trade union movement, I should say that anything from 25-50 per cent of the members contract out, varying according to the political consciousness of the union; in some probably only 10 per cent contract out. I do not know how many or what proportion of the members of the Union of Post Office Workers have contracted out of the political levy. That is the only Civil Service union with a political levy. As far as the law goes, a union can affiliate to a political party if there are any subscribers at all. There is no minimum number laid down but the experience varies considerably.

**Q.** *You said that the trends of wages inside the Civil Service depend upon the Research Unit's findings about the trend that obtains outside the Civil Service, but on what does that trend depend ?*

**Ans.** The Civil Service Pay Research Unit will be constantly gathering current information. But when it is given a specific task to do it does it only on request. The request will usually come from a staff association, or the Staff Side when it thinks its members are perhaps not adequately paid. For instance, just recently a number of Associations have asked the Civil Service Pay Research Unit to find out all available information about the pay of stenographers, because the Civil Service has had difficulty in

recruiting stenographers for all sorts of reasons—e.g., the six-day week in the Civil Service was a drawback but that has been removed now. The Pay Research Unit, within a matter of two months, will go about to collect as much information as they can about stenographers—how much they get paid outside and for what duties. The initial stage is actual comparisons between Civil Service pay and pay for comparable work outside. The Unit has been in existence for only about 18 months; we have only seen the beginning of its work. The Research Unit is not concerned with trends; it is concerned with facts. We rather expect that the comprehensive review which is now being undertaken, of the clerical and executive staff particularly, when it is completed will serve as a basis for comparison for quite a long time unless there is substantial change in the general economic situation and wages go up, in which case another pay increase will have to be looked at for the Civil Service as a whole. The Pay Research Unit is going to deal with the remuneration of particular groups and classes rather than with the Civil Service as a whole. The Civil Service covers many professions and a wide range of wages and salaries. There are small groups to be looked at as well as large, i.e., doctors, solicitors, scientists, laboratory assistants, civil engineers, clerks, land surveyors, valuers, accountants, comptometer operators—these and other classes whose pay can be checked by comparison with outside. It is going to be a specific comparison and not so much a general comparison, but facts and not trends will matter most.

*Q. I understand from what the learned speaker has said that the Whitley Councils are concerned with officers up to salaries of £2,000. Is there any comparable machinery for Civil Servants getting more than £2,000, or do the Whitley Council decisions affect their salaries also ?*

*Ans.* The Priestley Commission recommended that there should be a standing committee, a very high-level one, to consider the effect on the remuneration of the top Civil Servants of changes (a) in the level of remuneration for similar posts outside; (b) in the pay of Civil Servants lower

down; and (c) in the economic situation. When we claim a pay increase for the Civil Service at the Whitley Council, that operates up to £2,000 a year. If we settle on an increase then we report to the Committee dealing with the higher Civil Service what we have done for Civil Servants up to £2,000, and they have then to consider what, if anything, should be done for Civil Servants over £2,000. The Associations on the Staff Side who represent the higher grades have the right to ask the Staff Side to make representations to the Higher Grades Committee. Recently a report has been made to the committee of the latest pay increase in the Civil Service up to £2,000, but I have not heard if they have made any recommendations. The Higher Grades Committee, however, do not deal with other conditions of service, only pay.

*Q. What is the attitude of Whitley Council to the question of strike itself, or is it a matter directly to be dealt with or examined by the Government if and when such an emergency arises ?*

**Ans.** The Staff Side has never addressed itself to the question of strike; it never had any need to. The Union of Post Office Workers is the only union that ever considered strike action, and it did decide many years ago to set up a strike fund and have a strike policy as one of its objects. It split the union from top to bottom. They later abandoned a strike policy and refunded the money in the strike fund. If this or any other union did decide on strike action, it would be such a rarity that nobody would know what to do, least of all the members of the organisation itself. What steps the Government would take to deal, for instance, with a postal strike, I do not know. It has never occurred. What we have done to avoid possible trouble is to define the role of the Civil Servant in the event of industrial disputes outside, particularly rail or transport strikes.

I really don't think that a strike in the Civil Service is a possibility. In face of any such threat the Government would, I think, give enough time for the commonsense to

emerge. They would only take strong action if it appeared that no settlement was likely to be reached. It might even depend on what type of Government was in office.

*The Chairman :*

I do not know if I have any concluding remarks to make except to thank the lecturer for giving us a most profitable and interesting talk and I would like to tell him that although this audience is a small one, there are quite a number of persons here who occupy key positions, and at least a member of the Pay Commission who has been a most attentive listener throughout. I hope what you have said will be remembered and remembered with purpose when the Pay Commission makes its report.

*Prof. V.K.N. Menon (Director) :*

I heartily thank the lecturer for finding some time out of his busy programme to come and address us. It has been a very informative and illuminating lecture. Actually, I do not remember if we had such a splendid talk at the Institute for a long time. I am very grateful to you, Sir, for it. And to Shri Shiva Rao I am equally grateful for his distinguished chairmanship this evening.